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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,601	12/04/2003	Nancy I. Srebro	510063.401	9773

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EXAMINER

IZAGUIRRE, ISMAEL

ART UNIT PAPER NUMBER

3765

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/728,601	Applicant(s) SREBRO, NANCY I.	
	Examiner Ismael Izaguirre	Art Unit 3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16 is/are allowed.
- 6) ☒ Claim(s) 17-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***CLAIMS***

***Summary***

Claims 1,3,8,11 and 16-19 are the independent claims under consideration in this Office Action.

Claims 2,4-7,9,10 and 12-15 are the dependent claims under consideration in this Office Action.

***Claim Rejections - 35 U.S.C. § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17-19 are rejected under 35 U.S.C. § 102(b) as being anticipated by Burrier (4,646,666).

Burrier teaches a method of precision sewing and joining fabric pieces for quilting. Burrier teaches forming shapes using square (30, figure 2, for example) and rectangular pieces (rectangular tape 36, figure 3, for example) and cutting and joining these so as to form square and rectangular shapes (see figure 1, for example). In the final pattern or design, larger squares and rectangle final shapes are formed by smaller square and rectangular initial pieces. The language "an eight point star" is considered

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descriptive of a desired design. There is no language pertaining or defining a star in the body of the claims or any structure pertaining or defining eight points.

Claims 17-19 are rejected under 35 U.S.C. § 102(b) as being anticipated by Braden et al. (3,898,943).

Braden et al. teach a method of precision sewing and joining fabric pieces for making a quilt. Braden et al. teach forming shapes using square 1, figure 1, for example and rectangular pieces (figure 11, for example) and cutting and joining these so as to form square and rectangular shapes (see figure 14, for example). In the final pattern or design, larger squares and rectangle final shapes are formed by smaller square and rectangular initial pieces. The language "an eight point star" is considered descriptive of a desired design. There is no language pertaining or defining a star in the body of the claims or any structure pertaining or defining eight points.

#### ***ALLOWABLE SUBJECT MATTER***

Claims 1-16 are allowable over the prior art of record.

#### ***PERTINENT CITATIONS***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Canton illustrates a drawing instrument for drawing stars. Harger illustrates a quilting method formed of square and rectangular pieces and folded to form further square and rectangular pieces. Axelrod illustrates a method of forming a patchwork star. Ramon illustrates a method of forming upholstery by using square pieces.

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***INQUIRIES***

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 308-0861.

Any inquiry concerning this communication or earlier communications directed to the examiner should be directed to Mr. Ismael Izaguirre at (703) 308-0892 located in CP2-4B18, Monday through Friday 9:30am to 6:00pm.



**Ismael Izaguirre  
Primary Examiner  
Group Art Unit 3765**

II  
9/27/04